

REMARKS

Claims **95-104 and 113-121** are pending in the application.

Claims **95-104 and 131-121** stand rejected.

Claims **95** and **98** have been amended without adding any new subject matter to the instant application. Dependent claim **98** has been amended merely to provide proper antecedent support and clarity in view of amendments to its corresponding independent claim **95**.

The present claim amendments find support throughout the specification of the instant application including, for example, in the discussion in paragraphs [0064] through [0072] in the specification. Applicants submit that the present claim amendments are not intended to narrow the scope of the currently-pending claims. Applicants further assert that the present claim amendments should not be construed as indicating Applicants' acceptance of Examiner's reasons for rejection of various claims in the Office Action.

Claim **103** has been cancelled without prejudice to subject matter contained therein.

After present claim amendments and cancellation, claims **95-102, 104, and 113-121** now remain pending in the application.

Rejection of Claims under 35 U.S.C. § 101

Claims 95-104 and 113-121 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Independent claim 95 has been rejected as allegedly being directed to a computer program, *per se*. (See, Office Action, discussion of Section 101 rejection on page-3.) Dependent claims 96-104 and 113-121 stand rejected because of their dependence on corresponding, allegedly non-statutory, independent claim 95. The rejection of

claim 103 is moot in view of present cancellation thereof. Applicants respectfully traverse the rejection of remaining claims 95-102, 104, and 113-121 in view of present claim amendments and following remarks.

Without acceding to the Examiner's proffered reasons for rejecting independent claim 95 (and its pending dependent claims 96-102, 104, and 113-121) under 35 U.S.C. § 101, and merely to expedite prosecution of the instant application, Applicants have amended independent claim 95 to provide structural and functional interrelationship between logic blocks of a computer program code and hardware components which permit the functionality of the program code to be realized as discussed in more detail under MPEP §2106.01. Independent claim 95 is now directed to an apparatus comprising a computer-readable storage medium encoding logic blocks of a program code configured to be executed by a processor. Therefore, Applicants assert that the amended independent claim 95 and its pending dependent claims 96-102, 104, and 113-121 now recite statutory subject matter. Hence, withdrawal of rejection of claims 95-102, 104, and 113-121 under 35 U.S.C. § 101 and allowance of the same is respectfully requested.

Rejection of Claims under 35 U.S.C. §112

Claims 95-104 and 113-121 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection of claim 103 is moot in view of present cancellation thereof. Applicants respectfully traverse the rejection of remaining claims 95-102, 104, and 113-121 in view of present claim amendments and following remarks.

Independent claim 95 has been rejected as allegedly being indefinite for failing to recite a "processor for implementing the logic blocks." (*See*, Office Action, discussion of Section 112

rejection on page-3.) In the present response, Applicants have amended claim 95 to recite that the logic blocks of a program code encoded in a computer-readable storage medium are configured to be executed by a processor. Hence, Applicants assert that amended independent claim 95 and its pending dependent claims 96-102, 104, and 113-121 now satisfy the definiteness requirement. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Rejection of Claims under 35 U.S.C. §103

Claims 95-104 and 113-121 stand rejected under 35 U.S.C. § 103(a) as being purportedly obvious over Henson, U.S. Patent No. 6,167,383 (“Henson”) in view of Klencke, U.S. Patent No. 5,867,709 (“Klencke”). The obviousness rejection of claim 103 is moot in view of present cancellation thereof. Applicants respectfully traverse the obviousness rejection of remaining claims 95-102, 104, and 113-121 in view of present claim amendments and following remarks.

Applicants initially observe that Klencke has already been applied to earlier versions of certain of the present application’s claims. Therefore, Applicants hereby incorporate all discussions related to the patentability of pending claims 95-102, 104, and 113-121 in view of Klencke, at least as presented in Applicants’ responses to the previous Office Actions, to the extent that those arguments are relevant to limitations in the currently pending claims.

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows, in light of the amendments made hereby. Applicants reserve the right, for example, in a continuing application to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

In order for a claim to be rendered unpatentable under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). Thus, when making a determination of obviousness, the focus should be on what a person of ordinary skill in the pertinent art would have known at the time of the invention, and on what such a person would have reasonably expected to have been able to do in view of that knowledge. This is so regardless of whether the source of that knowledge and ability was documentary prior art, general knowledge in the art, or common sense. MPEP § 2141.

Amended independent claim 95 recites an apparatus comprising a computer-readable storage medium encoding logic blocks of a program code configured to be executed by a processor in order to customize a product. The logic blocks comprise, *inter alia*, a first logic block to create a customizable product...; a second logic block to assign the customizable product to a customizable product class...; a third logic block to add a component product class to the customizable product class, wherein the component product class is a subclass of the customizable product class, and the component product class comprises one or more component products selectable for adding to the customizable product; a fourth logic block to provide natural language templates, wherein each template contains a fill-in-the-blank sentence in a natural language syntax; a fifth logic block to add a customizable class rule to the customizable product class, wherein ... the customizable class rule is generated by selecting one or more natural language templates, and filling in each blank in each selected template with one or more of the following: said customizable product class, said component product class, an attribute of said customizable product class, an attribute of said component product class, a mathematical

expression, and a non-selected natural language template; and a sixth logic block to map a customizable user interface (“UI”) to the customizable product class.

Applicants assert that the primary reference of Henson fails to teach, reasonably suggest, or recommend generating a customizable class rule by (i) selecting a natural language template containing a fill-in-the-blank sentence in a natural language syntax, and (ii) filling the blank in the selected template with a customizable product class, a component product class, an attribute of either of these classes, a mathematical expression, or a non-selected natural language template, as defined more fully in amended independent claim 95 and as discussed in detail in paragraphs [0064] through [0071] in the instant specification. As mentioned in paragraph [0061] in the instant Specification and as observed in the present Office Action (at p. 6), a customizable class rule may be used to guide a consumer to choose an appropriate product. By contrast, Henson fails to reasonably show, teach or suggest generating a customizable class rule in the manner recited in amended independent claim 95. Various figures in Henson (*e.g.*, Figures 3-6) show that the web pages of the online store in Henson may provide various texts and customer messages (*e.g.*, the system option compatibility warnings discussed in column 8 in Henson) in a natural language syntax. However, Applicants fail to find any showing, teaching or suggestion in Henson regarding generation of such messages or texts using a natural language template-based class rule, or the generation of such a class rule in the manner recited more fully in amended independent claim 95.

In column 8, lines 30-33, Henson mentions “entry of the warning text in the store product database 24.” However, Applicants assert that such cursory mention of entry of the warning text not only raises more questions as to the style, manner, and format of such data entry (*e.g.*, how the textual data is actually entered in the database, which format or style is used for the data

entry and the like), but also simultaneously fails to teach or reasonably suggest usage and building of a natural language template-based class rule recited in amended independent claim 95.

Applicants assert that Klencke fails to remedy the deficiencies in the teachings of Henson. Klencke teaches customization of a software product using object-oriented programming techniques that use pairs of standard and shell classes in parent-child relationships. (*See*, Klencke, Abstract.) Although Klencke discusses its product customization approach based on an object-oriented hierarchical classification methodology and provides a reasonably detailed explanation of various object-oriented techniques (*see, e.g.*, Klencke, col. 3, line 57-col. 5, line 54) and product implementation using C++ pseudocode examples (*see, e.g.*, Code Table 5 in columns 7 and 8 in Klencke), Klencke is silent about customizable class rules and how one might generate them. In other words, like Henson, Klencke also fails to teach, suggest, discuss, or recommend building a customizable class rule by (i) selecting a natural language template containing a fill-in-the-blank sentence in a natural language syntax, and (ii) filling the blank in the selected template with a customizable product class, a component product class, an attribute of either of these classes, a mathematical expression, or a non-selected natural language template, as defined more fully recited in amended independent claim 95.

Hence, based on the discussion above, Applicants assert that the combination of Henson and Klencke fails to show, teach or suggest the limitations of amended independent claim 95. Thus, Applicants assert that amended independent claim 95, as a whole, is not rendered obvious under 35 U.S.C. §103(a) by the combination of Henson and Klencke. Without acceding to the Examiner's reasons for rejection of dependent claims and reserving their right to proffer additional evidence of patentability of dependent claims, when necessary, Applicants assert that

the dependent claims 96-102, 104, and 113-121 are also patentable over the combination of Henson and Klencke at least based on their dependence on the allowable independent claim 95. Therefore, reconsideration and allowance of claims 95-102, 104, and 113-121 is respectfully requested.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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